

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Brandon V. Lawhead,

Case No. 24-cv-3911 (DWF/SGE)

Plaintiff,

v.

The Village of Mapleview and
Arnie Johnson,

**REPORT AND
RECOMMENDATION**

Defendants.

On October 15, 2024, this matter was removed to this Court. *See* Dkt. 1. That same day, the Court issued a notice to Attorney Evan H. Larson noting that, although he “is listed as counsel of record in this case[,]” he “is not in good standing as he is in Inactive status with the court.” Dkt. 4. Plaintiff Brandon V. Lawhead is, therefore, unrepresented in this matter. The notice further stated that Attorney Larson “cannot appear in any case until he . . . re-registers with the court.” *Id.* The notice also provides instructions on how Attorney Larson can re-register. *Id.* Attorney Larson has not yet re-registered and is still Inactive with the court.

On March 6, 2025, the Court issued an Order directing Attorney Larson to re-register with the court within 30 days. (Dkt. 5.) The Court warned that failure to comply with the Order would result in a recommendation that the action be dismissed for failure to prosecute. (*Id.*) That deadline has now passed. Attorney Larson has not re-registered with the court. In fact, neither Mr. Larson nor Plaintiff have communicated with the Court about this case since the notice was issued. Accordingly, this Court now recommends, consistent with the previous warning, that this action be dismissed without prejudice for failure to prosecute under Federal

Rule of Civil Procedure 41(b). *See Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED** without prejudice under Fed. R. Civ. P. 41(b) for failure to prosecute.

Date: April 8, 2025

s/Shannon G. Elkins
SHANNON G. ELKINS
United States Magistrate Judge